

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, November 13, 2002
9:00 a.m.

Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 30, 2002, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, November 6, 2002 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 30, 2002.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of October 9, 2002.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 10 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Revision of Waste Discharge Requirements: City of Oceanside, Mission Avenue Landfill, San Diego County (tentative Addendum No. 1 to Order No. 88-53) (*Amy Fortin*)
6. Waste Discharge Requirements: Master Reclamation Permit - Valley Center Municipal Water District, Orchard Run Water Reclamation Facility, San Diego County (tentative Order No. R9-2002-0336) (*Victor Vasquez*)
7. Rescission of Waste Discharge Requirements and Cease and Desist Order: Mr. Joseph Murat, Elfin Forest Ranch Mobile Home Park, San Diego County (tentative Order No. R9-2002- 0332 rescinding Order No. 94-16 and Cease and Desist Order No. 96-55) (*Eric Becker*)
8. Administrative Assessment of Civil Liability against Castillo & Sons-A&E Auto Recycling for failure to pay annual storm water fees for the facility located at 775 Energy Way, Chula Vista, Ca. The Regional Board will consider comments received during the public review period and decide on an order accepting terms of a proposed settlement for the liability. If the Regional Board does not adopt the tentative order, the matter will proceed to a hearing at a future Regional Board meeting. (Tentative Order No. R9-2002-0284) (*Vicente Rodriguez*)
8. Administrative Assessment of Civil Liability against Kemper Insurance Company for failure to pay annual storm water fees for the facility located at the South-West corner of Winchester Road, Temecula, Ca. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0286) (*Vicente Rodriguez*)
9. Administrative Assessment of Civil Liability against Richmond American Homes for failure to pay annual storm water fees for the facility located at 41500 Margarita Rd, Temecula, Ca. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0289) (*Vicente Rodriguez*)

10. Administrative Assessment of Civil Liability against Richmond American Homes for failure to pay annual storm water fees for the facility located at Butterfield Stage Rd., Temecual, Ca. The Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2002-0290) (*Vicente Rodriguez*)

Remainder of the Agenda (Non-Consent Items):

11. NPDES Permit Renewal: Continental Maritime of San Diego Inc., San Diego County (tentative Order No. R9-2002-0282, NPDES Permit No. CA0109142) (*Hashim Navrozali*)
12. NPDES Permit Renewal: Waste Discharge Requirements for Southwest Marine Inc., San Diego County (tentative Order No. R9-2002-0161, NPDES Permit No. CA0109151) (*Sabine Knedlik*)
13. NPDES Permit: Waste Discharge Requirements for U.S. Navy Naval Base San Diego, San Diego County: An NPDES permit regulating industrial storm water and point source discharges of wastes to San Diego Bay and the Ocean from various activities, including ship repair, pier boom cleaning, and manhole dewatering (tentative Order No. R9-2002-0169, NPDES Permit No. CA0109169) (*Paul J. Richter*)
14. NPDES Permit Revision: City of San Diego, South Bay Water Reclamation Plant Discharge to the Pacific Ocean through the South Bay Ocean Outfall (tentative Addendum No. 1 to Order No. 2000-129, NPDES Permit No. CA0109045) (*David Hanson*)
15. Waste Discharge Requirements: Lake Cuyamaca Recreation and Park District, Lake Cuyamaca Public Recreation Area Southeast of Julian, San Diego County (tentative Order No. R9-2002-0343) (*Bryan Ott*)
16. **PUBLIC HEARING:** Administrative Civil Liability with Mandatory Penalties against Tosco Marketing Co. – 76 Service Station No. 5965 Dewatering, San Marcos, CA for Violation of Order No. 2001-96, NPDES Permit No. CAG919002. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2002-0203) (*Sherrie Komeylyan*)
17. **PUBLIC HEARING:** Addendum No. 1 to Cleanup and Abatement Order No. 2001-226. The Caldwell Family Trust has requested a hearing to contest its inclusion in the order as a discharger responsible for the cleanup and abatement of petroleum hydrocarbon waste from the underground storage tank system at 28111 Front Street in Temecula. (*Jody Ebsen*)
18. Approval of Year 2003 Board Meeting Schedule
19. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the

International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS)

Building Industry Association of San Diego County, et al. vs. State Water Resources Control Board, et al.; San Diego County Superior Court; Case No. GIC 7890263.

20. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
21. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
22. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
23. Arrangements for Next Meeting and Adjournment
Wednesday, December 11, 2002 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. On October 1, 2002, the Executive Officer issued Addendum No. 4 to Cleanup and Abatement Order No. 2000-255. This addendum was issued to Mr. & Mrs. Jimmy Chung Kwan Hsu (a.k.a the dischargers). Addendum No. 4 adds Directive X which directs the dischargers to commence remediation by soil excavation by January 2, 2003. A technical report of progress of remedial action is due April 30, 2003 and every quarter until remedial action is concluded. (*Sue Pease*)
- B. On October 1, 2002, the Executive Officer issued Order No. R9-2002-0188, an Order rescinding Cleanup and Abatement Order No. 88-14 for Thrifty Oil Company, Thrifty Service Station #102, 6404 Mission Gorge Road, San Diego. (*Sue Pease*)
- C. On October 1, 2002, the Executive Officer issued Order No. R9-2002-0320, and Order rescinding Cleanup and Abatement Order No. 89-50 for the Redevelopment Agency of the City of San Diego, 303 Market Street, San Diego. (*Sue Pease*)
- D. 30-day Public Notice of Settlement of Civil Liability:
Rancho California Water District: On September 18, 2002, the Executive Officer issued

Complaint No. R9-2002-0296, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$3,000, against Rancho California Water District for violation of effluent limits established by Order No. 2001-96, for the discharge from Well No. 121 Discharge to Santa Gertrudis Creek, Temecula, CA. On September 27, 2002, Rancho California Water District waived its right to a hearing, admitted the violations, accepting the full assessment of civil liability proposed in the Complaint. For a copy of the Complaint or more information regarding this matter, please contact Sherrie Komeylyan at (858) 467-2734 or komec@rb9.swrcb.ca.gov or see the Regional Board's web site.

The 30-day comment period for the above settlement ends on November 27, 2002. Interested Parties may comment on this settlement during the comment period. The Regional Board will consider whether to accept settlement of this matter at its December 11, 2002 public hearing. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M, Wednesday, November 27, 2002.

- E. On October 11, 2002, the Executive Officer issued Cleanup and Abatement Order No. R9-2002-330. This Order was issued to comply with the Governor's Executive Order No. D-62-02, requiring the Regional Board to establish a moratorium on the disposal of decommissioned materials (low-level radioactive wastes) into Class III and unclassified waste management units. The moratorium established by Order R9-2002-322 shall remain in effect until the Department of Health Services completes its assessment of the public health and environmental safety risks associated with the disposal of decommissioned materials and its regulations setting dose standards for decommissioning to take effect. (*John Odermatt*)
- F. On December 11, 2002, the Regional Board is scheduled to consider adoption of tentative Order R9-2002-342 "Waste Discharge Requirements for Disposal and/or Reuse of Petroleum Hydrocarbon Fuel Contaminated Soils." The tentative order establishes waste discharge requirements for disposal and/or reuse of petroleum hydrocarbon fuel contaminated soils as engineered fill within the San Diego Region. (*Brian McDaniel*)
- G. On Sept. 24, 2002, the Executive Officer issued Cleanup and Abatement Order No. R9-2002-0312 to address the discharge of sediment-laden water (waste) to Soledad Canyon Creek, which is upstream to Los Penasquitos Lagoon, as a result of construction activities at the Metropolitan Transit Development Board's Sorrento Valley Coaster Station. The Order, issued pursuant to California Water Code section 13304, directs the Metropolitan Transit Development Board to cleanup the waste, and abate all effects of the waste discharge into Soledad Canyon Creek and downstream into Los Penasquitos Lagoon. The final cleanup date is January 1, 2003. (*Ben Neill*)